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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,262	03/26/2001	Mark E. Ogram	1414S	9231

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EXAMINER

NGUYEN, MINH CHAU

ART UNIT PAPER NUMBER

2145

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,262

Applicant(s)

OGRAM, MARK E.

Examiner

MINH-CHAU N. NGUYEN

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.



DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: a phrase "wherein said remote compute includes means for communicating..." has "remote compute" is incorrect. It should be remote computer. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6,10-13,16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zustak et al. (Zustak) (US 2002/0087402A1).
3. Claim 1, Zustak teaches a communications system comprising:
 - a) a distributed network for computers (paragraph 30);
 - b) a broadcast computer (i.e. a set-top box (STB) 22) connected to said distributed network for computers (i.e. network devices 28) (figure 1; and paragraph 3,27-30,34), said broadcast computer (i.e. a set-top box (STB) 22) having access to,

1) a first stream of video containing entertainment content (i.e. a soccer event) (figure 5; and paragraph 2,6,49,54,56), and,

2) a second stream of video containing commercial content (i.e. a video advertisement or a banner style advertisement 522 in figure 5) (figure 8; and paragraph 3,53-54); said broadcast computer (i.e. a set-top box (STB) 22) having means for simultaneously communicating the first stream of video and the second stream of video to a remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) via said distributed network for computers (paragraph 3,49-54,56).

4. Claim 2, Zustak teaches a remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) connected to said distributed network for computers and having,

a) means for receiving at least two streams of video (paragraph 48-49,56);
and,

b) means for simultaneously displaying said first stream of video and said second stream of video (paragraph 48-49,54,56).

5. Claim 3, Zustak teaches means for receiving and said means for simultaneously displaying are operating simultaneously (paragraph 48-56).

6. Claim 4, Zustak teaches means for simultaneously displaying includes means for separately displaying said first stream of video and said second stream of video (paragraph 49-51).
7. Claim 5, Zustak teaches the communications systems,
 - a) wherein said first stream of video and said second stream of video each include an audio component (paragraph 3,34-35,49-54); and,
 - b) wherein said remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) includes,
 - 1) audio speakers (i.e. the audio speakers are inherited from the user's television 24 or the network device 28) (paragraph 35,49-54), and,
 - 2) means, responsive to operator input, for selectively communicating the audio component from said first stream of video or said second stream of video to said audio speakers (paragraph 3, 49-54).
8. Claim 6, Zustak teaches the communications network,
 - a) further including a remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) having,
 - 1) means for receiving at least two streams of video from said broadcast computer (i.e. a set-top box (STB) 22) via said distributed network of computers (paragraph 48-49,56), and,

2) means for communicating an indicia to said broadcast computer via said distributed network of computers (i.e. selection of the appropriate advertisements by using a remote control 36) (paragraph 48-49,56); and, b) wherein said broadcast computer (i.e. a set-top box (STB) 22) further includes access to,

1) a third stream of video, said third stream of video containing commercial content (i.e. another video advertisement from a menu of advertisements shown in figure 3) (paragraph 49-54,61); and,

2) means, responsive to the indicia from said remote computer, for communicating said third stream of video in lieu of the second stream of video (i.e. displaying the video stream when the user makes a selection of an appropriate advertisement from the menu of advertisements by using a remote control 36) (paragraph 48-49,56,61).

9. Claim 10, Zustak teaches the communications system,

a) wherein said broadcast computer (i.e. a set-top box (STB) 22) includes time dependent data (i.e. a timer/a given time slot), and wherein said broadcast computer includes means for communicating said time dependent data to said remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) (paragraph 50,58,68); and,

b) wherein said remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) includes means for displaying said time

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dependent data in conjunction with said first stream of video and said second stream of video (paragraph 50,58,68).

10. Claim 11, Zustak teaches said means for communicating said time dependent data of said broadcast computer is periodically activated (paragraph 50,58,68).

11. Claim 13, Zustak teaches said broadcast computer (i.e. a set-top box (STB) 22) includes memory means for storing the second stream of video (paragraph 29,52-54).

12. Claim 16, Zustak teaches said broadcast computer (i.e. a set-top box (STB) 22) includes means for communicating an audio component with said first stream of video and an audio component with said second stream of video (paragraph 3,34-35,49-54).

13. Claim 17, Zustak teaches said broadcast computer (i.e. a set-top box (STB) 22) further includes:

a) a third stream of video, said third stream of video containing commercial content (i.e. another video advertisement from a menu of advertisements shown in figure 3) (paragraph 49-54,61); and,

b) means, responsive to an indicia from the remote computer, for simultaneously communicating said third stream of video in lieu of the second

stream of video with the first stream of video (i.e. displaying the video stream when the user makes a selection of an appropriate advertisement from the menu of advertisements by using a remote control 36) (paragraph 48-49,56,61).

14. Claim 18, Zustak teaches a method of communicating entertainment content comprising the steps of:

a) arranging a first stream of entertainment video (i.e. a soccer event) (figure 5; and paragraph 2,6,49,54,56) and a second stream of video, said second stream of video being substantially of commercial content; and (i.e. a video advertisement or a banner style advertisement 522 in figure 5) (figure 8; and paragraph 3,53-54),

b) simultaneously communicating the first stream of entertainment video and the second stream of video to a remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) via a distributed network of computers (paragraph 3,49-54,56).

15. Claim 21, Zustak teaches the remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) includes the step of selectively communicating an audio component from said first stream of entertainment video or said second stream of video to audio speakers located proximate to the remote computer (i.e. the audio speakers are inherited from the user's television 24 or the network device 28) (paragraph 3, 49-54).

16. Claim 12 is corresponding claim of claim 1. Therefore, it is rejected under the same rationale.

17. Claims 19-20,22 are corresponding method claims of system claims 2,4,6. Therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 7-9,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zustak as applied to claims 1,12 above, and further in view of Liwerant et al. (Liwerant) (US 2002/0056123A1).

19. Claim 7, Zustak teaches the communications system,

a) wherein said second stream of video includes identifiers therein (i.e. packet ID) (paragraph 34); and

b) wherein said identifiers are periodically communicated to said remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) (paragraph 34-35,49-54).

Zustak fails to teach the second video stream includes address identifiers.

However, Liwerant, in the same field of endeavor having closely related objectivity, teaches the video stream includes address identifiers (paragraph 6).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Liwerant's teachings of the video stream includes address identifiers, in the teachings of Zustak in user selective advertising, for the purpose of providing an useful in a computer file processing, storage and retrieval system can further identify the video.

20. Claim 8, Zustak and Liwerant disclose the invention substantially as claimed.

Zustak teaches said remote compute (i.e. user's television 24, or network device 28 (i.e. remote computer)) includes means for communicating a historical listing of said identifiers (i.e. a menu of advertisements in figure 3) to a user of said computer (paragraph 49,52,61). Besides this, Liwerant teaches address identifiers of the video (paragraph 6).

21. Claim 9, Zustak and Liwerant disclose the invention substantially as claimed.

Zustak teaches said remote computer (i.e. user's television 24, or network device 28 (i.e. remote computer)) includes means, responsive to an operator selection of a selected identifier (i.e. advertisement), for connecting said remote computer to a merchant computer (i.e. a head end of the service provider 10 in figure 1) remote from said broadcast computer (i.e. a set-top box (STB) 22) (i.e. displaying

the video stream when the user makes a selection of an appropriate advertisement from the menu of advertisements by using a remote control 36) (paragraph 27,48-49,56,61). Besides this, Liwerant teaches address identifiers of the video (paragraph 6).

22. Claim 14, Zustak teaches said first stream of video is supplied to said broadcast computer (i.e. a set-top box (STB) 22) via a transmission medium 20 (figure 1; and paragraph 27).

Zustak fails to teach the video stream is supplied to the broadcast computer via a camera. However, Liwerant, in the same field of endeavor having closely related objectivity, teaches the video stream is supplied to the broadcast computer via a camera (figure 1D; and paragraph 79,82,100).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Liwerant's teachings of the video stream is supplied to the broadcast computer via a camera, in the teachings of Zustak in user selective advertising, for the purpose of providing an useful in a transmitting video in streaming video format over a network.

23. Claim 15, Zustak and Liwerant disclose the invention substantially as claimed.

Zustak teaches said first stream of video is communicated by said means for simultaneously communicating substantially upon receipt of said first stream of video from said the server provider by said broadcast computer (figure 1; and

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paragraph 27,49-54). Besides this, Liwerant teaches receipt of the video stream from the camera by a server 62 (or a video hosting service) (figure 1D; and paragraph 79,82,100).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JASON D. CARDONE can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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